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In re Application of
BRACHT et al.
Application No.: 10/588,222
PCT No.: PCT/EP05/01076
Int. Filing Date: 03 February 2005
Priority Date: 03 February 2004
Attorney Docket No.: 3826
For: FLAT SYSTEM FOR USING IN THE
ORAL CAVITY

DECISION ON PETITION
UNDER 37 CFR 1.182

This decision is issued in response to applicant's "Response to Notification of Missing Requirements under 35 U.S.C. 371" filed 11 June 2007 which is being treated as a Petition under 37 CFR 1.182. Applicant is requesting to change the name of the second inventor from Babett Degenhardt to Babett Gutsmuths due to marriage. The \$400 petition fee will be charged to counsel's Deposit Account No. 19-4675.

BACKGROUND

On 02 August 2006, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia: the basic national fee; a translation of the international application; an executed declaration; and a preliminary amendment.

On 08 May 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that the declaration was defective because the second inventor (Babett Gutsmuths) was not identified by the name listed on the international application.

On 11 June 2007, applicant filed "Response to Notification of Missing Requirements under 35 U.S.C. 371."

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that:

Except for correction of a typographical or transliteration error in the spelling of an inventor's name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a

petition under 35 U.S.C. 1.182 together with an appropriate petition fee.

Applicant is requesting to change the name of the second inventor from Babett Degenhardt to Babett Gutsmuths. Accordingly, the present submission has been treated as a petition under 37 CFR 1.182 to correct the name of the second inventor. For such a petition to be grantable, MPEP § 605.04(c) states that "the petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order."

Here, applicant's submission included the authorization to charge Deposit Account No. 19-4675 for required fees. Based on this authorization, Deposit Account No. 19-4675 will be charged the requisite petition fee of \$400, satisfying the petition fee requirement. As for the affidavit requirement, applicant submitted a "Declaration of Babett Gutsmuths" (affidavit) regarding the name change. This affidavit states that the inventor's surname was changed, and that her name was legally changed to Babett Gutsmuths as a result of marriage.

CONCLUSION

Applicant's petition under 37 CFR 1.182 to change the name of record for inventor Babett Degenhardt to Babett Gutsmuths is **GRANTED**.

Based on the above, the declaration filed 02 August 2006 is acceptable in compliance with 37 CFR 1.497.

This application is being referred to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.



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